

No. 18406

**FEDERAL REPUBLIC OF GERMANY
and
ZAIRE**

Agreement concerning financial assistance. Signed at Kinshasa on 17 May 1977

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 28 March 1980.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
ZAÏRE**

Accord d'aide financière. Signé à Kinshasa le 17 mai 1977

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 28 mars 1980.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE EXECUTIVE COUNCIL OF THE REPUBLIC OF ZAIRE CONCERNING FINANCIAL ASSISTANCE

The Government of the Federal Republic of Germany and the Executive Council of the Republic of Zaire,

In the spirit of the friendly relations existing between the Federal Republic of Germany and the Republic of Zaire,

Desiring to strengthen and enhance these friendly relations by fruitful co-operation in the field of development assistance,

Aware that the maintenance of these relations constitutes the basis for the present Agreement,

Intending to promote economic and social development in the Republic of Zaire,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Executive Council of the Republic of Zaire, or other borrowers to be jointly selected by the two Contracting Parties, to raise with the Kreditanstalt für Wiederaufbau, Frankfurt-on-Main, a loan up to DM 11 million (eleven million deutsche mark) for the financing ferry boats provided that, after examination, this project is deemed worthwhile.

(2) The project referred to in paragraph 1 of this article may be replaced by other projects if the Government of the Federal Republic of Germany and the Executive Council of the Republic of Zaire so agree.

Article 2. (1) Utilization of this loan as well as the terms and conditions on which it is granted shall be governed by the contracts to be concluded between the borrowers and the Kreditanstalt für Wiederaufbau; such contracts shall be subject to the legal provisions applicable in the Federal Republic of Germany.

(2) The Executive Council of the Republic of Zaire, to the extent that it is not itself the borrower, and the Central Bank of the Republic of Zaire shall guarantee to the Kreditanstalt für Wiederaufbau all payments in deutsche mark to be made in discharge of the borrowers' liabilities under the contracts to be concluded pursuant to paragraph 1 of this article.

Article 3. The Executive Council of the Republic of Zaire shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other fiscal charges levied in the Republic of Zaire at the time of the conclusion, or during the implementation, of the agreements referred to in article 2 of the present Agreement.

¹ Applied provisionally from 17 May 1977, the date of signature, and entered into force definitively on 26 December 1977, after the Executive Council of Zaire had notified the Government of the Federal Republic of Germany that its formalities required at the national level had been completed, in accordance with article 8.

Article 4. The Government of the Federal Republic of Germany and the Executive Council of the Republic of Zaire shall allow passengers and suppliers free choice of transport enterprises for such transportation by sea and air of persons and goods as results from the granting of the loan, refrain from taking any measures that might exclude or impede the participation, on an equal footing, of transport enterprises having their principal place of business in the German area of application of this Agreement, and grant the relevant permits that may be necessary for the participation of such enterprises.

Article 5. Supplies and services for this project which are financed from the loan shall, unless otherwise provided in individual cases, be subject to public tender restricted to the German area of application of this Agreement.

Article 6. With regard to supplies and services resulting from the granting of the loan, the Government of the Federal Republic of Germany attaches particular importance to preference being given to products of the industry of *Land Berlin*.

Article 7. With the exception of those provisions of article 4 which refer to air transport, this Agreement shall also apply to *Land Berlin*, provided that the Government of the Federal Republic of Germany does not make a contrary declaration to the Executive Council of the Republic of Zaire within three months after the date of entry into force of this Agreement.

Article 8. This Agreement shall enter into force with retroactive effect from the date of its signature as soon as the Executive Council of the Republic of Zaire notifies the Government of the Federal Republic of Germany that the formalities required at the national level for the entry into force of the Agreement have been completed for the Republic of Zaire.

DONE at Kinshasa on 17 May 1977 in duplicate in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:
The Vice-Chancellor and Federal Minister
for Foreign Affairs,
GENSCHER

For the Executive Council of the Republic of Zaire:
The Vice-President of the Executive Council and State Commissioner
for Foreign Affairs and International Co-operation,
KARL-I-BOND
